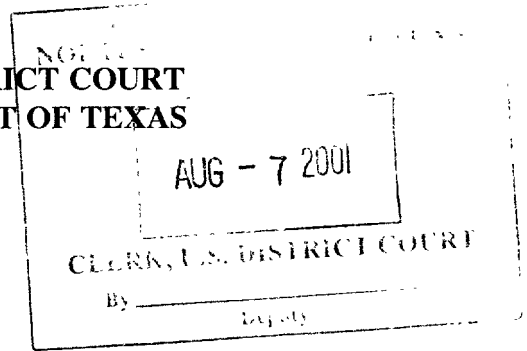


NOTICE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



CANYONCREEK COMMUNICATIONS §  
CORPORATION, §  
§  
Plaintiff, §  
§  
VS. §  
§  
COMMUNICATION CABLE CO., §  
JOHN BLACK, & PAUL BLACK §  
§  
Defendant §

CIVIL ACTION NO. \_\_\_\_\_  
**3-01 CV 1523-L**

NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. §1441(b) (DIVERSITY)

**TO THE HONORABLE JUDGE OF THIS COURT:**

Communication Cable Co., John Black, & Paul Black, Defendants in the above-referenced civil action, file this Notice of Removal within 30 days after service of citation on Defendants in the state-court action, and as grounds therefor would respectfully show the following:

1. On or about May 21, 2001, Canyoncreek Communications Corporation, through counsel, commenced an action in the District Court of Dallas County, Texas, 95th Judicial District (the "state court"), by filing "Plaintiff's Original Petition" (hereinafter "Plaintiff's Original Petition") styled "Canyoncreek Communications Corporation v. Communication Cable Co., John Black, & Paul Black" and designated as Cause No. 01-4232-D. Plaintiff's Original Petition purports to set forth a claim against Defendant for suit on a sworn account, breach of contract, and quantum meruit. A copy of the complaint is attached hereto as Exhibit "B".

2. The first date upon which defendants Communication Cable Co., John Black, & Paul Black received service of the said complaint was on or about July 16, 2001, when defendants were served with a copy of the said complaint and citation from the Texas Secretary of State. A copy of the service of the citations and officer's return for each of the three defendants is attached hereto as Exhibit "D".

3. Exhibits "A" through "E" attached to this Notice contain the docket sheet in the state court action, as well as all pleadings, process, records, and proceedings filed therein.

4. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1332, and is one which may be removed to this Court by defendants pursuant to the provisions of 28 U.S.C. §1441(b) in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs because plaintiff alleges that defendants are in breach of contract that has caused plaintiff economic injuries in the amount of \$476,000.

5. Defendants are informed and believe that plaintiff Canyoncreek Communications Corporation was, and still is, a corporation incorporated under the laws of the State of Texas, having its principal place of business in the State of Texas. Defendant Communication Cable Co. was, at the time of the filing of this action, and still is, a corporation incorporated under the laws of the State of Pennsylvania, having its principal place of business in the State of Pennsylvania. Defendants John Black and Paul Black were, at the time of the filing of this action, and still are, citizens of the State of Pennsylvania. All three Defendants agree to this removal, and none of them are citizens of the State of Texas, thus this action involves a controversy between citizens of different states.

**WHEREFORE, PREMISES CONSIDERED,** Communication Cable Co., John Black, and Paul Black pray that this notice be filed and that this action be removed from the 95th Judicial District Court of Dallas County, Texas, to this Court.

Respectfully Submitted,



Paul E. Hanson

State Bar No. 08934410

KIRKLEY SCHMIDT & COTTEN, L.L.P.

2700 City Center II

301 Commerce Street

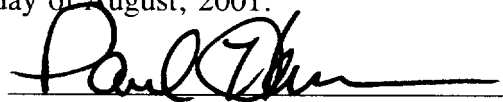
Fort Worth, Texas 76102-4127

(817) 338-4500; (817) 338-4599 FAX

**ATTORNEY FOR COMMUNICATION  
CABLE CO., JOHN BLACK, & PAUL  
BLACK**

**CERTIFICATE OF SERVICE**

A true and correct copy of the foregoing Notice of Removal has been served on Plaintiff's attorney of record, Rodney R. Elkins, Suite 1900, 1412 Main Street, Dallas, Texas, 75202 by certified mail, return receipt requested, this 7<sup>th</sup> day of August, 2001.



Paul E. Hanson